IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 22ND FEBRUARY 2007 / 3RD PHALGUNA 1928

WP(C).No. 35835 of 2003(N)

PETITIONER:

G. VISWANATH SHET, RESEARCH SCIENTIST,
MYSORE SANDAL PRODUCTS, SREE GOPALAKRISHNA
TEMPLE BUILDINGS, P.B.NO.27,
AMARAVATHY, KOCHI-682 001.

BY ADV. SRI.L.GOPALAKRISHNAN POTTI

RESPONDENTS:

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1. ASSISTANT CONTROLLER OF PATENTS AND
DESIGNS, WING 'C', (C-4-'A'),
IIIRD FLOOR, RAJAJI BHAVAN, BEASANT NAGAR,
CHENNAI-600 090.

2. THE CONTROLLER GENERAL OF
PATENTS AND DESIGNS & TRADE MARKS
CENTRAL BUILDINGS, MAHARASHI KARVE ROAD,
MUMBAI-400 020.

BY ADV. SRI.JAYAPRADEEP. V., ADDL.CGSC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C)No. 35835/2003

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1 COPY OF THE LETTER ISSUED by the 1ST RESPONDENT TO THE PETITIONER DATED 12/4/1990.

EXT.P2 COPY OF THE JUDGMENT DATED 30/10/2000 IN O.P.No. 9688/1994.

EXT.P3 COPY OF THE LETTER DATED 08/12/2000 ISSUED BY THE 1ST RESPONDENT.

EXT.P4 COPY OF THE LETTER DATED 14/12/2000 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.

EXT.P5 COPY OF THE COMMUNICATION DATED 19/12/2000 ISSUED TO THE PETITIONER BY THE 1ST RESPONDENT.

EXT.P6 COPY OF THE APPEAL FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DATED 23/12/2000.

EXT.P7 COPY OF THE ABSTRACT OF THE HEART TO HEART SCHEME DATED NIL.

// TRUE COPY //

PA TO JUDGE

jg

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 35835 of 2003 N

Dated, this the 22nd day of February, 2007

J U D G M E N T

Petitioner applied for registration of patent of certain items before the 1st respondent. This Court vide an earlier judgment in OP 9688/1994 dated 30/10/2000, directed the respondent to consider the application for patent. However the same is returned vide Ext.P5 by the 1st respondent for the reason that petitioner has not furnished technical details to consider the matter. On going through Ext.P5, I find that 1st respondent did not render any conclusive finding because of inadequacies. The matter is pending for last nearly four years. If petitioner is serious about the matter, he can again approach the 1st respondent with a fresh application furnishing full details. The learned counsel for the petitioner submitted that the contention of 1st respondent is incorrect and whatever furnished is sufficient to consider the patent application. He has filed appeal / representation vide Ext.P6 before the 2nd respondent. It is not known whether it is a statutory appeal or only a representation. In any case being a higher authority,

2nd respondent should consider petitioner's representation whether it be an appeal or otherwise. This writ petition is disposed of directing the 2nd respondent to consider the appeal / representation filed by the petitioner within two months from the date of production of a copy of this judgment by the petitioner and pass orders thereon.

This writ petition is disposed of as above.

(C.N.RAMACHANDRAN NAIR, JUDGE.)

jg